IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 09.03.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Writ Appeal No.1203 of 2000

1.The Tamil Nadu Electricity Board,
rep. by its Chairman,
Anna Salai, Chennai-2.

2.The Chief Engineer/Ditribution/
Chennai Region/TNEB
5-A Block, first floor,
802 Anna Salai,
Chennai-2. ... Appellants/Respondents

vs.

M/s Safe Systems (India) Pvt. Ltd.,
C/23, Panchaheel Enclave,
New Delhi-110 001,
rep. by its Director. ... Respondent/Petitioner

Writ appeal filed under Clause 15 of the Letters patent against the order dated 06.04.2000 made in W.P.M.P.No.24049 of 1999 in W.P.No.16603 of 1999.

For Appellant : MrG.Vasudevan
For Respondent : Mr.Ravi for Mr.Gupta

JUDGMENT

(Order of the Court was made by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 6.4.2000 made in W.P.M.P.No.24049 of 1999 in W.P.No.16603 of 1999, in and by which, the learned single Judge granted an order of injunction restraining the respondents therein-Electricity Board from purchasing the materials covered under the tender from any other person, pending disposal of the writ petition No.16603 of 1999.

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2. Heard the learned counsel for the appellants as well as the respondent.

3. It is seen from para 3 of the order of the learned single Judge that though the Electricity Board, after accepting the lowest tender of the petitioner-the respondent herein had placed the purchase order, cannot cancel the tender without any reason. The order of the learned single Judge further shows that the action taken by the Board is against their own stand since the supply of materials by the writ petitioner is the lowest and by adopting the same, there is a saving of Rs.11 lakhs and odd. After noting all these factual details, the learned single Judge came to the conclusion that the decision of the Board is prima facie illegal and arbitrary. The learned single Judge has also found that the impugned order is a non-speaking one and they cannot cancel the tender without assigning any reason, particularly, having accepted the tender, which specified all the requirements. In the light of the specific finding, viz., that the action of the respondents-Electricity Board prima facie is illegal and arbitrary, we are of the view that there is no contra material to take a different view as that of the learned single Judge. On the other hand, with the available materials, we are in agreement with the said conclusion. Consequently, the writ appeal fails and the same is dismissed. No costs.

4. Since the writ petition is of the year 1999 and considering the grievance expressed by both the parties, direction is issued for early disposal of the writ petition. Accordingly, post the writ petition for final hearing on 10.04.2006.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-2.

2.The Chief Engineer/Ditribution/
Chennai Region/TNEB
5-A Block, first floor,
802 Anna Salai,
Chennai-2.

3. The Section Officer, Writ Section, High Court, Madras.

+ 1 CC to M/s.Gupta & Ravi, Advocate SR NO 11611

+ 1 CC to Mr. G.Vasudeva, Advocate SR NO 11606

W.A.No.1203 of 2000
09.03.2006.

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